

REMARKS

In response to the Official Action mailed by the Office on 25 April 2005 (hereinafter, the “Action”), the Applicant submits this paper as a fully responsive reply thereto. Entry of the above revisions and favorable reconsideration of the following comments are requested at the earliest convenience of the Office.

Paragraph 2 of the Action stated an objection to the drawings for not showing the integral stabilizer recited in claim 17. In response, the Applicant submits a new Figure 7, which shows the stabilizer member 30 as being integral with the body member 12. Since the structure shown in Figure 7 was described in the Applicant’s specification and was recited in claim 17 as originally filed, new Figure 7 introduces no new matter. The specification is also revised as appropriate to refer to new Figure 7. The Applicant thus requests reconsideration and withdrawal of the drawing objection stated in Paragraph 2 of the Action.

Paragraph 4 of the Action stated a § 102 rejection of claims 1-6, and 9-10 as being anticipated by U.S. Patent No. 6,154,963 to Kooiman (hereinafter “Kooiman”). The Applicant respectfully traverses this rejection.

As shown above, the Applicant has amended independent claim 1 to clarify further aspects of the device. For convenience, the features added to claim 1 are reproduced here:

“a stabilizer member connected to the body member, wherein the stabilizer member includes:

a first portion connected to the body *member in parallel relation thereto;*

a second portion connected to and extending *perpendicularly* away from the first portion; and

a third portion connected to and extending *perpendicularly* away from the second portion, *such that the first and third portions are in parallel relationship with one another; and*

wherein the second portion of the stabilizer member is disposed relative to the first and the third portions of the stabilizer member so that the second portion of the stabilizer member is spaced away from the pipe when the pipe is received in the curved portion.”

The features of claim 1 italicized above are believed fully supported under § 112, 1st paragraph, at least by, for example, the Applicant’s Figure 6 and related description in the Applicant’s specification. The rest of the features of claim 1 reproduced above were previously recited in dependent claims 11 and 12, which are now cancelled without waiver, prejudice, or disclaimer.

Kooiman references a saw guide for annularly corrugated cables. The Office cited Kooiman as disclosing a body of an elastic plastic. Even assuming only for the sake of these remarks that Kooiman does so, Kooiman does not disclose a saw guide having a stabilizer member as recited in claim 1. On at least this basis, Kooiman does not support a § 102 rejection of independent claim 1, and

the Applicant requests reconsideration and withdrawal of the § 102 rejections of claims 1-6, and 9-10 as stated in Paragraph 4 of the Action.

Paragraph 5 of the Action stated a § 102 rejection of claims 1-6, 11-14, 17, and 21-23 as being anticipated by U.S. Patent No. 5,873,295 to Hall (hereinafter “Hall”). The Applicant respectfully traverses this rejection.

As noted above in the comments directed to Kooiman, the Applicant has amended independent claim 1 to clarify additional features relating to the stabilizer member, and these features are believed supported under § 112, 1st paragraph, as stated above.

Hall references a cutting guide that includes means 4 for connecting a first clamping member 2 to a second clamping member 3. The Office cited Hall as disclosing an integral stabilizer having a first portion (at 30 in Figure 3 of Hall) that contacts the workpiece, and a second portion (17 and 18 in Figure 2A of Hall), and a third portion (21) contacting the workpiece. The Applicant submits that Hall’s clamping members do not disclose a stabilizer member as recited in claim 1. On at least this basis, Hall does not support a § 102 rejection of independent claim 1.

As stated in Paragraph 5 of the action, independent claim 21 also stands rejected under § 102 as being anticipated by Hall. The Applicant respectfully traverses this rejection.

The Applicant has amended claim 21 to clarify further features of the device. More particularly, claim 21 is amended to recite the features of the stabilizer member recited above and discussed in connection with claim 1 relative to Hall. Thus, the comments made above regarding claim 1 and Hall apply equally to the same features as recited in claim 21.

In addition to the foregoing revisions and comments, however, the Applicant has amended claim 21 to recite:

“wherein the first and the third portions of the stabilizer member each include:

a respective first end that is connected to the second portion of the stabilizer, and

a respective second end opposite the first end, the second ends configured to contact the pipe when the pipe is received by the curved portion.”

The above feature is believed fully supported under § 112, 1st paragraph, at least by Figure 6. The Applicant has added reference numerals to new Figure 7 consistent with the above claim language, and has revised Paragraph 22 of the specification to describe what is illustrated in Figure 6 and make the written description consistent with Figure 6. No new matter is entered by any of the foregoing.

Hall was discussed above in connection with claim 1, and those comments apply equally to claim 21. In addition to the features recited in claim 1, Hall's clamping members do not disclose first and third portions of a stabilizing member

having ends that contact a workpiece, as recited in claim 21. On at least this basis, Hall does not support a § 102 rejection of claim 21.

As stated in Paragraph 5 of the action, independent claim 23 is amended to recite features similar to those recited in claims 1 and 21, and the comments above directed to claims 1 and 21 regarding Hall apply equally to claim 23.

Based on the foregoing, the Applicant requests reconsideration and withdrawal of the § 102 rejections of claims 1-6, 11-14, 17, and 21-23 as stated in Paragraph 5 of the Action.

Paragraph 6 of the Action stated a § 102 rejection of claims 1-3, 5-6, 11-14, and 21-23 as being anticipated by Lyman. The Applicant respectfully traverses this rejection.

Independent claim 1 has been amended as discussed above in connection with Kooiman and Hall, and the comments regarding support under § 112, 1st paragraph, apply equally here. For convenience, portions of claim 1 are reproduced here:

“a stabilizer member connected to the body member, wherein the stabilizer member includes:

a first portion connected to the body member in parallel relation thereto;

a second portion connected to and extending perpendicularly away from the first portion; and

a third portion connected to and extending perpendicularly away from the second portion, such that the first and third portions are in parallel relationship with one another”

Lyman references a flexible spirally wound conduit cutting device. The Office cites Lyman as providing a body (10) having a stabilizer having a first portion (left 24) that contacts the workpiece, a second portion (28) and a third portion (right 24) contacting the workpiece.

The Applicant first notes that Lyman’s item 28 is shown in Lyman’s Figures 2 and 3 and discussed in Lyman’s specification at column 2, lines 47-52 and at column 2, line 68 through column 3, line 2. Lyman’s item 28 is a washer that spaces the plates 24 apart from one another to allow a saw blade to pass therebetween during use. As shown in Figure 2, Lyman’s washer 28 is disposed well below where the workpiece B lies while being cut. Therefore, Lyman’s washer 28 does not and cannot contact the workpiece B, contrary to the assertion made in Paragraph 6 of the Action.

The Applicant next notes that Lyman’s elongated handle 10 is in perpendicular relation with the two plates 24, as shown in Lyman’s Figures 1, 2 and 4. In contrast, the Applicant’s claim 1 reproduced above recites “a stabilizer member connected to the body member, wherein the stabilizer member includes ... a first portion connected to the body member *in parallel relation* thereto”. Since Lyman’s plates 24 are bolted perpendicularly onto the end of Lyman’s

elongated handle 10, Lyman does not support a § 102 rejection of at least the above feature recited in claim 1.

On at least the foregoing bases, the Applicant submits that Lyman does not support a § 102 rejection of claim 1, and requests reconsideration and withdrawal of the § 102 rejection of claim 1.

Independent claims 21 and 23 recite features similar to those discussed above in connection with claim 1, and the above comments relative to Lyman apply equally to claims 21 and 23. In addition to the foregoing comments, however, the Applicants reproduce further features added to claims 21 and 23 for convenience, with emphasis added:

“wherein the first and the third portions of the stabilizer member each include:

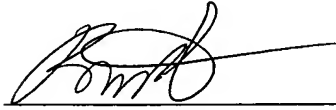
a *respective first end* that is connected to the second portion of the stabilizer, and
a *respective second end* opposite the first end, *the second ends of the first and the third portions of the stabilizer member configured to contact the pipe* when the pipe is received by the pipe receiving means.”

The ends of Lyman’s plates 24 are not configured to contact the workpiece B, as shown in Lyman’s Figure 4. Instead, Lyman’s workpiece B is held in the U-shaped portion defined by the plates 24. On at this basis, the Applicant submits that Lyman does not support a § 102 rejection of independent claims 21 and 23, and all claims depending therefrom. The Applicant thus requests reconsideration and withdrawal of the § 102 rejection stated in Paragraph 6 of the Action.

The Applicant requests favorable action on this application at the earliest convenience of the Office.

Respectfully Submitted,

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